

EI-7533

Michele L. Barbin
PO Box 142 • Snow Shoe, PA 16874
814-387-4509 • mlb10@verizon.net

12 June 2008

Victoria Ruston
Chief, Section of Environmental Analysis
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Sent via e-mail to rustonv@stb.dot.gov

Re: FD 35116—R.J. Corman Railroad Company/Pennsylvania Lines Inc and related dockets

Dear Ms. Ruston:

As a citizen, I have been following Resource Recovery LLC's (RRLC) **proposed** project closely from day one. I have met with federal, state and local officials to educate myself about the Resource Recovery LLC (RRLC) proposal, and I have spent a good portion of the last four years studying regulations to offer public comment intelligently on this **proposed** project.

The **proposed** RRLC development for a landfill, quarry, and industrial park in a 2,300-acre tract of forestland situated in Rush Township, Centre County, Pennsylvania, that, through RJ Corman Railroad Pennsylvania Lines (RJCP), the Surface Transportation Board (STB) is being used as a pawn by RRLC to force their project upon an unwilling public.

It is also apparent to those following this locally undesired land development that RJCP has requested an option to gain the right-of-way to the "Eastern Segment" of the Snow Shoe Industrial Track (SSIT) from Norfolk Southern (NS), at RRLC's request (aka, "Beech Creek Railroad), in an effort to evict the Snow Shoe Rail-to-Trails Association (SSRTA) and Headwaters Charitable Trust (HCT) in order to gain access to the proposed RRLC site.

It is no secret that the Snow Shoe Rail-Trail is an economic asset to this rural community and surrounding area that depends on its high-quality outdoor recreation assets to attract visitors and businesses to the area — industrialization is in direct conflict with the remote, undeveloped, wild attraction of this region. This Rail-Trail is a significant attraction, part of the local economy and rich heritage of this region, and a significant thorn in the side of RRLC. The loss of this Rail-Trail and its connectivity should be considered a significant "harm" during Pennsylvania's Department of Environmental Protection (PADEP) review of RRLC permit application. PADEP is the sole issuer of landfill and other environmental permits within Pennsylvania; their task is to analyze the balance of harms and benefits to a community when such major projects are proposed in Pennsylvania.

Please note: RRLC's development is merely PROPOSED—**NOT** a "new" project as the Applicants' dockets profess. *Not one single permit has been issued, and many must be obtained.* The permit application review for the landfill (i.e., the primary "shipper") was suspended by the permit issuer, PADEP, in 2006; they cite access *and* wetlands issues as the current constraints.

Until *both* of these issues are addressed, PADEP will not waste taxpayer dollars on a review of the landfill (i.e., the shipper; See Attachments A1–A3).

In fact, the STB may reach similar conclusions if given the facts in this case.

The *exploratory* quarry for type E stone, being investigated by Glenn O Hawbaker Inc., requests ***less than 10,000 tons per year*** if the permit is even issued (December 2007, DEP Ref No. Small IM #14072801). A correction letter from PADEP to Hawbaker was sent in May 2007; to date, PADEP has not received an adequate response. In other words, there is no permit for the *less than 10,000 tons per year* exploratory (perhaps, temporary) quarry.

No other potential shippers have applied for or proposed any other development that would require service at this undeveloped site to my knowledge.

I urge extreme caution and scrutiny when reviewing any and all documents submitted on RRLC's behalf. The documentation of RRLC's proposed project that follows clearly indicates the STB and/or RJCP are being given false and misleading information by RRLC. This "rail-to-nowhere" project should be thrown out *ab initio* (see 49 CFR § 1150.32(c)).

First, without issued permits, there is no shipper. Without a shipper, there is no public need. Without need, there is ***no legitimate reason to request the interim trail use be vacated by HCT or SSRTA***. These volunteers have tended to the railbanking in good faith since 1993. This is the locally desired land use; it does not conflict with local zoning ordinances.

Second, the *proposed* industrial site lacks access for adequate transportation competition; There are no other adequate roads or railroads that can reach this undeveloped site. The one rural, narrow, winding gravel and dirt road with 90° doglegs in a rural residential village primarily serves seasonal properties and is unsuitable for heavy truck traffic. Rush Township's request for an I-80 interchange on RRLC's behalf fails to meet FHWA guidelines to move forward; that is, no permit.

Third, without shipping competition, there is no fair market. The STB's directives under 49 USC §10101(4) to ensure the development and continuation of a sound rail transportation system *with effective competition among rail carriers and with other modes*, to meet the needs of the public and the national defense; and (5) to foster sound economic conditions in transportation and to ensure effective competition and coordination between rail carriers and other modes. I assure you there is no public or national defense need, there is no effective competition or other modes with which to compete or coordinate—Again, no permits.

Please take the time to thoroughly scrutinize all submissions involving RRLC (aka, Beech Creek Railroad) and inform the public in this matter. RRLC's track record has shown a consistent lack of integrity. Please hold RRLC (aka, Beech Creek Railroad) and/or those submitting requests on their behalf to the highest standards available—at a minimum, it is advised to require a full Environmental Impact Statement, or better yet, request that this requested rail reactivation be included as part of the "single and complete project" that other federal agencies (e.g., U.S. Fish and Wildlife Service, USEPA) have requested as early as 2004 and to which RRLC has yet to respond (please see most recent letters attached).

For a credible, time-saving, abbreviated summary of RRLLC's actions and inactions from the public's perspective, please visit <http://www.stoplandfill.com/timeline.htm>.

Supporting documentation is attached in PDF format:

- A1. Letter dated May 18, 2008 from PADEP Secretary Kathleen McGinty on the status of the RRLLC project.
- A2. Letter dated October 12, 2006 from PADEP to RRLLC (suspension)
- A3. Letter dated October 12, 2006 from PADEP to RRLLC via Arm Group (wetlands)
- A4. Comment dated February 4, 2007 from U.S. Fish & Wildlife to U.S. Army Corps of Engineers about the RRLLC proposed project
- A5. Comment dated February 2, 2007 from U.S. EPA to U.S. Army Corps of Engineers about the RRLLC proposed project
- A6. Letter dated January 1, 2007 from Federal Highway response concerning the Rush Township I-80 interchange request for RRLLC
- A7. Letter dated April 19, 2007 from Federal Highway Administration concerning NEPA studies and status of I-80 interchange request for RRLLC
- A9. July 2005 Consistency Review by Centre County Planning Office at the request of the Federal Highway Administration

I am respectfully requesting that the STB keep me personally advised on this matter. Please note that the comments contained within this document may not be my only submission with regards to FD 35116. I reserve the right to submit further comment, testimony, criticisms, responses, make requests, initiate actions, and otherwise participate in this review process. Please do not consider this document to be my final response.

Respectfully Submitted,



Michele L. Barbin
PO Box 142
Snow Shoe, PA 166874-0142
814-387-4509



Nathaniel Carson State Office Building
P.O. Box 2961
Harrisburg, PA 17105-2061

Phone: 717-787-2814

Secretary

717-787-2814

Ms. JoAnn Gillette
Application Review Committee
People Protecting Communities
P.O. Box 38
Clarence, PA 16829

Dear Ms. Gillette:

Thank you for your recent letter regarding your concern for the proposed landfill in Rush Township, Centre County. I appreciate your position regarding the development plans submitted by Resource Recovery, LLC (RRLC). Also, I appreciate the amount of effort that your group has undertaken to learn the permitting process and to be involved in the process.

Your correspondence references the letter that was sent to me by RRLC and provides a rebuttal to the claims by RRLC. In that letter, RRLC provided a fairly detailed synopsis of the development plans that its company has for the Rush Township property. In addition, RRLC also provided a list of proposed benefits that it believes will arise from the development of the property. Finally, RRLC requested that the Department of Environmental Protection (DEP) proceed in its permit review of the landfill application that was submitted to DEP's Northeastern Region.

My staff informs me that the Northeastern Regional Office permit application review staff for the landfill has not begun the extensive Phase I and Phase II reviews of the application. Accordingly, DEP is not in a position to respond to many of your comments. However, I want to make your group aware that DEP's position conveyed to RRLC by letter from the Northeastern Regional Director, Robert C. Yowell, on February 1, 2000, remains unchanged. At this time, DEP still believes that there are significant uncertainties remaining with the approval of the proposed Interstate-80 interchange. DEP's Phase I review will remain suspended until RRLC can provide information that the Federal Highway Administration has completed the National Environmental Policy Act process and approved the I-80 interchange. Therefore, until the questions/issues regarding the proposed interchange are resolved, DEP is unable to proceed with its review of the application.

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions, please contact Mr. Michael D. Sherman, Deputy Secretary of Field Operations, by e-mail at msherman@state.pa.us or by phone at 717-787-5028 or Mr. Robert C. Yowell, Director of our Northeastern Regional Office, by e-mail at ryowell@state.pa.us or by phone at 570-327-3695.

Sincerely,

Kathleen A. McGinty
Secretary



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101
Williamsport, PA 17701-6448

October 2, 2006

Northcentral Regional Office

Fax: 570-327-3420

CERTIFIED MAIL NO. 7006 0100 0005 3589 6187

Mr. E. B. Abel, Jr., President
Resource Recovery, LLC
3925 Columbia Avenue
P.O. Box 476
Mountville, PA 17554-0476

Re: Administrative Completeness Review
Resource Recovery Landfill Application
L.D. No. 101685
Resource Recovery, LLC
APS No. 583150, Auth No 632293
Rush Township, Centre County

Dear Mr. Abel:

The Department of Environmental Protection (DEP) has determined that the referenced permit application for the Resource Recovery Landfill in Rush Township, Centre County, is administratively complete. As you know, on June 28, 2006, the timeline for the review of this application was negotiated between yourself, Rush Township, Centre County and DEP. At that time, a DEP review timeline of 21 months (610 days) was agreed upon.

During the technical review, Mr. Joseph Figured will be the lead reviewer evaluating the adequacy of the application to determine compliance with applicable rules and regulations. Mr. Figured will also coordinate comments from other technical staff, as necessary, to complete a comprehensive evaluation of the application.

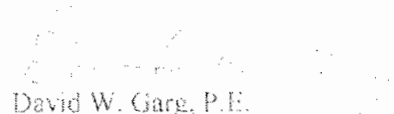
As a preliminary matter, pursuant to 25 Pa. Code § 271.3, the Department is requesting additional information regarding the proposed Interstate 80 interchange. The interchange is integral to the siting of the proposed landfill, and yet there is minimal information contained in Phase I of the permit application. Prior to proceeding with further review of the application, the Department requests that Resource Recovery submit further information to the Department regarding the I-80 interchange. Specifically, the Department is requesting that Resource Recovery submit information regarding the process for obtaining approval for construction of the interchange. In responding, Resource Recovery should, at a minimum, indicate what information has been requested from the pertinent state and federal agencies, what deficiencies, if any, the pertinent state and federal agencies have noted in the information previously submitted to them by Resource Recovery, what the process is for obtaining state and federal

approval, what is the anticipated length of time to obtain approval, and where Resource Recovery's request is in the administrative process. Given that traffic has a significant role in the Environmental Assessment, and there appears to be significant uncertainty as to the fate of the proposed interchange, the Department's Phase I review cannot proceed until the issues surrounding the interchange are resolved.

The Waste Management Program is also aware that the Watershed Management Program has determined that there appear to be significant deficiencies regarding the Chapter 105 permit. These deficiencies, and the manner in which they are resolved, will have a definite impact upon the siting and/or design of the landfill. The wetlands issues also significantly impact the Department's Phase I review of the Form D - Environmental Assessment for Municipal and Residual Waste Management Facilities. For these reasons, in addition to the Interstate 80 interchange issues, until the issues raised by the Watershed Management Program are also resolved, the Department's Phase I review will be unable to proceed.

Accordingly, the Department's Phase I review will be suspended until Resource Recovery resolves the uncertainties connected with the Interstate 80 interchange and the wetlands issues raised by the Watershed Management Program. If you have any questions or require further assistance, please call me at 570-327-3752.

Sincerely,



David W. Garg, P.E.
Facilities Manager
Waste Management

cc: Rush Township
Centre County Commissioners
Central Office- Municipal and Residual Waste Division
Bill Tafuto, ARM Group Inc.
Gary Byron
Dan Spadoni
Joe Figured
File



Pennsylvania Department of Environmental Protection

208 West Third Street, Suite 101
Williamsport, PA 17701-6448

October 2, 2006

Northcentral Regional Office

Fax 570-327-3565

CERTIFIED MAIL NO. 7005 2570 0001 1573 8029

ARM Group, Inc.
William S. Tafuto, P.E.
1129 West Governor Road
P.O. Box 0797
Hershey, PA 17033-0797

Re: Preliminary Technical Review
Resource Recovery, LLC
Application No. E14-492
Rush Township, Centre County

Dear Mr. Tafuto:

In respect to the Dam Safety and Encroachments Act (32 P.S. § 693.1 et seq.) and the companion rules and regulations, 25 Pa. Code Chapter 105, the Department has begun the technical review of your application and determined that sufficient issues exist to preclude further technical review. The Department prefers to send out only one technical deficiency letter. However, in this case, we felt it best to deal with the deficiencies in two stages. For example, it would be pointless to deal with the details of wetland replacement prior to reaching agreement over wetland impact. Our major issues follow.

First, your project site selection depended heavily on interstate highway access and yet your alternatives analysis only considered two sites with direct interstate access. How did you determine that there were only two suitable sites with direct interstate access in your landfill service area?

Second, your alternatives analysis does not consider a "no build" alternative. What are the consequences of not building this landfill at this site?

Third, your project site selection depended heavily on interstate highway access and "ample size to co-locate related facilities (recycling, renewable energy, etc.)." These related projects border on primary impacts because they are part of the project objectives. They are, at the very least, highly likely secondary impacts. Chapter 105.14(b)(12) requires the Department to consider the effects of secondary impacts associated with, but not the direct result of, a proposed encroachment.

You deal with secondary impacts of future development of this 5.758-acre site in two sentences on page h-8 of your application. You state that the I-80 interchange and Peale Road relocation will affect approximately 0.7 acres of emergent wetlands, and that there will be no aquatic resource impacts involved with the Industrial Park portion of this project. This is inadequate. The application must account for, and include all aquatic resource impacts anticipated during construction of the I-80 interchange. Also, it must demonstrate how you will guarantee that there will not be any aquatic resource impacts associated with the industrial development of the remaining 4,200-acre tract.

Fourth, to paraphrase Chapter 105.18a(b), the Department will not grant a permit to encroach in non-exceptional value wetlands unless the applicant demonstrates that the project will not have a significant adverse impact on the wetlands. Areal extent of impact is one factor in determining significance. The Department contends that filling 10.6 of the 19.0 acres of wetland found within the 500-acre landfill permit boundary is significant. Furthermore, the wetlands to be filled are mostly those unaffected by old mining, while those to be avoided are on the mine-scarred portions of the site.

The application, in one sentence and with little elaboration, states that undermined areas were avoided. Yet the plans for design alternative 4 clearly indicate that undermined areas were considered as part of a landfill footprint with a capacity double the proposed footprint. Also, at pre-application meetings, you have stated that undermined areas may be considered in future landfill expansion. Please explain in detail why the currently proposed 274-acre landfill footprint cannot include the mined areas, and thereby avoid the larger wetlands in the unmined areas. And, while you are at it, explain in detail why the footprint cannot be reduced to avoid wetlands.

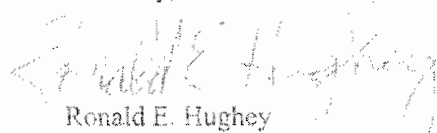
Fifth, please include a statement on water dependency as required by Chapter 105.13(d)(1)(iii)(D).

Within 60 days, please respond to the above issues in writing. The Department will continue its evaluation of your application at that time. If these major issues are resolved, you may yet receive a detailed deficiency letter dealing with problems found during our complete review of the application and wetlands replacement plan. Regardless, you will have a final opportunity to correct any deficiencies, which will be in a pre-denial letter, before the Department makes a final determination.

If you believe the stated omissions are not significant, you have the option of declining and asking the Department to make a decision based on the information you have already made available. If you choose this option, you should explain and justify how your current submission satisfies the issues noted above. Please keep in mind that if you ignore or fail to respond to this request within 60 days upon receipt of this letter, your application will be denied.

If you have any questions regarding the identified omissions, please contact me at the above address or by telephone at 570-327-3660.

Sincerely,



Ronald E. Hughey
Water Pollution Biologist III
Operations Section
Water Management

cc: Centre County Conservation District
Pa. Fish and Boat Commission
U.S. Army Corps of Engineers
Waste Management
File



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Pennsylvania Field Office
315 South Allen Street, Suite 322
State College, Pennsylvania 16801-4850



February 14, 2007

Colonel Peter W. Mueller, District Engineer
(ATTN: Tom Pluto)
U.S. Army Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Colonel Mueller:

The Fish and Wildlife Service has reviewed Public Notice Number CENAB-OP-RPA-04-02142-8 (PN 07-06), dated January 16, 2007. Resource Recovery, LLC (RRLC), proposes to construct a municipal waste landfill and supporting facilities in Rush Township, Centre County, Pennsylvania. The project would result in impacts to 3.64 acres of federally regulated (jurisdictional) wetlands and 7.01 acres of isolated wetlands (non-jurisdictional pursuant to section 404 of the Clean Water Act). Jurisdictional wetland impacts include fill in 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetland, and 0.06 acre of palustrine emergent (PEM) wetland. Additional wetlands may be affected by a proposed highway interchange. As compensatory mitigation, the applicant has proposed creating about 12 acres of wetlands on-site (a 1:1 replacement ratio) to offset all wetland impacts (both jurisdictional and non-jurisdictional), 440 linear feet of riparian plantings, and 5.8 acres of upland habitat enhancements.

These comments are prepared in accordance with the requirements of the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e) and the Endangered Species Act of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). They are to be used in your determination of Section 404(b)(1) Guidelines compliance (40 CFR 230) and in your public interest review (33 CFR 320.4) as they relate to protection of fish and wildlife resources. We have previously commented on this project in letters dated October 23, 2006 (to the Pennsylvania Department of Environmental Protection); November 5, 2005 (to the applicant's consultant); June 14, 2005 (joint letter with the Department); and June 9, 2004 (to the applicant's consultant) (copies enclosed). Aside from complying with the procedural requirements of the Endangered Species Act for the landfill site, the applicant has not modified the project to address any of our previous comments, so we are incorporating those comments herein by reference.

We offer the following summary of our previously-stated concerns:

- **Wildlife Habitat Values.** The RRLLC project will permanently affect nearly 11 acres of wetlands (jurisdictional and non-jurisdictional), and destroy and fragment valuable wildlife habitat. Despite past logging and strip mining impacts, the 6,000-acre property supports diverse forest habitat (including mature and early successional red maple, aspen, birch, white oak, pin oak, ash, dogwood, and pine) and a well-developed understory (including northern spicebush, blueberry, greenbriar, fire cherry, sweet fern, and sumac), and is capable of supporting a diverse assemblage of wildlife.
- **Threatened and Endangered Species.** Surveys for four federally listed species (bald eagle, Indiana bat, northeastern bulrush, and small-whorled pogonia) have been conducted on the 533-acre landfill portion of the 6,000-acre property, and we have concluded that the footprint of the proposed landfill will not adversely affect federally listed endangered and threatened species. However, we have further recommended that the applicant conduct surveys for these species within all direct and indirect impact areas for the entire 6,000-acre parcel. To our knowledge, this has not been done.
- **Alternatives Analysis.** We have repeatedly requested that RRLLC explore alternatives that are less environmentally damaging (e.g., alternative site plan configurations, alternative site locations with lower habitat quality and existing highway access, and day-lighting and lining former deep mines for landfill pit construction). In addition, RRLLC has focused on lands with highway and rail access, eliminating from further consideration those sites which lacked transportation access. More recently, however, RRLLC has indicated that local roads are acceptable for landfill access. Therefore, the previous alternatives analysis that rejected sites without highway access is no longer valid. To date, RRLLC has not responded to our request for a new alternatives analysis, nor have they attempted to minimize project impacts on-site (project impacts have not changed since the initial pre-application meeting).
- **Single and Complete Project.** We have consistently recommended that all aquatic resources within the entire 6,000-acre parcel be properly identified and mapped. To date, aquatic areas have only been identified within the footprint (533 acres) of the proposed landfill, without regard to likely future plans for developing the remainder of the parcel (e.g., the industrial park, rail spur, landfill expansion, Gorton Road expansion, and a possible highway interchange). RRLLC has not combined these project-related components into a single and complete project proposal for agency review.
- **Compensatory Mitigation.** Proposed compensatory mitigation sites are unlikely to succeed as such because of unsuitable soils, questionable hydrology, and floodplain siting (making them vulnerable to erosion and deposition from overbank flooding); or they would cause additional, unacceptable loss of valuable forest habitat. The applicant has not responded to our recommendations to investigate alternative sites that are likely to achieve long-term success in replacing the wetland functions lost at the proposed development site. Furthermore, our October 23, 2006, letter recommends that wetland replacement ratios correspond to the affected wetland type (e.g., PFO – 2:1, PSS – 1.5:1, or PEM – 1:1). To date, these recommended replacement ratios have not been incorporated into the project plans.

Finally, based on a recent site visit, we note that a stream exists in what would become landfill cells 5 and 6. This stream was not previously documented, and should be properly delineated and included as a project impact. Should the Corps decide to authorize this project, additional compensatory mitigation for impacts on this stream should be required.

Summary

The 404(b)(1) guidelines require that discharging fill into waters of the United States not be permitted if there are practicable alternatives that would result in less environmental damage. Again, we believe that there are practicable alternatives to filling aquatic areas for the landfill and related developments, such as changing the project configuration, alternative siting on degraded (*i.e.*, brownfield or recently surface-mined) properties, or daylighting deep-mined areas to use for the landfill pit. If RRLLC is now considering using local roads to access the proposed landfill property, then the original alternatives analysis no longer applies, and RRLLC must consider other parcels of land that do not have direct highway access. In addition, all project-related actions should be presented as parts of a single and complete project.

The proposed wetland mitigation sites sacrifice forest cover for the construction of PEM wetlands, may be subject to sedimentation and erosion, and rely on uncertain hydrology. Therefore, we recommend that the applicant explore alternative areas to site their compensatory wetland mitigation work, and do so at appropriate replacement ratios. We ask further than any impacts to streams also be compensated in-kind.

Until these deficiencies are resolved, the project should not be authorized as proposed, and we continue to object to permit issuance.

Thank you for the opportunity to comment on the proposed project. Please Jennifer Kagel of my staff at 814-234-4090 if you have any questions or require further assistance regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "David Densmore", followed by a long horizontal line.

David Densmore
Supervisor

Enclosures

cc:

DEP – Steven Means
PFBC – David Spotts, Chris Urban
EPA – Marria O'Malley-Walsh
PGC – Jeff Kost
Centre County Conservation District

Mr. Rich Adams
Water Management Program
PA Department of Environmental Protection
Northcentral Regional Office
208 W. Third Street
Williamsport, PA 17701

ARM Group, Inc
(Attn: Ned Whaler, Bill Tafudo, Amy Gulden)
1129 West Governor Road
Hershey, PA 17033-0797

Ms. Robin Dingle
Environmental Planning Consultants
Buckingham Green II
4920 York Road, Suite 290
P.O. Box 306
Holicong, PA 18928

Rettew
Timothy Falkenstein
3020 Columbia Avenue
Lancaster, PA 17603

Representative Mike Hanna
State Representative, 76th District
102 Turnpike Street
P.O. Box 1134
Milesburg, PA 16853

Centre County Commissioners
Willowbank County Office Building
420 Holmes Street
Bellefonte PA 16823-1488

People Protecting Communities
P.O. Box 38
Clarence, PA 16829

Ms. Michele L. Barbin
P.O. Box 142
Snowshoe, PA 16874-0142

Ms. Terri Burbidge
221 Gorton Road
Moshannon, PA 16859

Readers file
Project File – Kagel
ES files, archive – Dombroskie
ES: PAFO:JKagel/jak:1/23/07
Filename: Y:\FROFFICE\Drafts\Drafts 2007\snow shoe landfill Corps IP II.doc

Enclosures include:

- 1) FWS letter dated June 9, 2004
- 2) DEP letter dated June 14, 2005
- 3) FWS letter dated November 5, 2005
- 4) FWS letter dated October 23, 2006



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

February 13, 2007

Mr. Irwin Garskoff
Chief, Pennsylvania Section
U. S. Army Corp of Engineers
Baltimore District
1631 South Atherton
State College, PA 16801

re: CENAB-OP-RPA (Resource Recovery, LLC) 04-02142-8

Dear Mr. Garskoff,

The U.S. Environmental Protection Agency (EPA) has reviewed the above referenced permit application in accordance with Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. The applicant, Resource Recovery, LLC, proposes work in wetlands adjacent to unnamed tributaries to Moshannon Creek and Laurel Run in Rush Township, Centre County, PA.

The applicant proposes to discharge dredge or fill material into approximately 3.64 acres of Federally regulated jurisdictional wetlands associated with the construction of a municipal landfill and supporting facilities. The jurisdictional wetlands to be impacted include 2.89 acres of palustrine forested/palustrine emergent (PFO/PEM) wetlands, 0.69 acre of palustrine scrub-shrub/palustrine emergent (PSS/PEM) wetlands, and 0.06 acre of PEM wetlands. An additional 7.01 acres of isolated, non-jurisdictional wetlands are proposed to be impacted. The construction of approximately 12.0 acres PFO wetlands on-site is proposed as mitigation. Additional on-site mitigation proposed includes 440 linear feet of riparian planting and 5.8 acres of upland habitat enhancement.

Information from a U.S. Fish and Wildlife Service field visit on February 7, 2007 indicates the previously mined site is primarily second growth forest with mature hardwoods. An on-site stream having a boulder-gravel substrate was shown to support aquatic life. The existing stream channel is flanked by riparian wetlands. The site would be expected to support a variety of wildlife and migratory birds. The project as proposed would result in the loss of stream channel and associated riparian habitat and permanently impact a total of 10.65 acres of wetlands including 3.64 acres of jurisdictional wetlands. EPA is concerned that the project as proposed would result in the irretrievable loss of valuable habitat that supports a variety of aquatic species, wildlife and migratory birds.

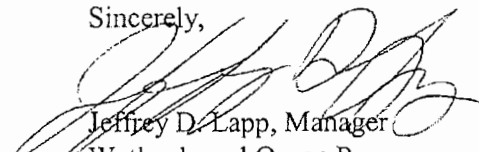
EPA is very concerned that the project as proposed has not demonstrated that impacts to waters of the U. S. have been avoided or minimized to the greatest extent practicable as required by the

Section 404(b)(1) Guidelines. An alternatives analysis that examine both off-site and on-site alternatives that meets the requirements of the Guidelines needs to be performed.. The alternatives analysis should include the primary, secondary, and cumulative impacts that could be expected to occur from construction of such a facility. It appears that impacts from the current proposal are considered only for the footprint of the landfill. Impacts that can be expected to occur from accessing the site, potential expansion of the facility and construction of other associated facilities, i.e. an industrial park, must be considered. In sum the alternatives analysis must consider the project as one single and complete project.

We are also concerned that the referenced permit application does not include specific information on the location and type of wetlands to be constructed as compensatory mitigation. A site specific detailed drawing of the location, type, and extent of all proposed mitigation measures must be furnished.

We recommend that the permit application for the proposed project be withdrawn. Additional information must be provided for informed decision making. Thank for the opportunity to review and comment. You can contact Marria O'Malley Walsh at (570) 628-9685 when additional information becomes available for this project.

Sincerely,



Jeffrey D. Lapp, Manager
Wetlands and Ocean Program

cc: Cindy Tibit, USFWS, State College, PA



U. S. DEPARTMENT
OF TRANSPORTATION

Pennsylvania Division

228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Federal Highway
Administration

APR 19 2007

In reply refer to:
HEV-PA

Centre County, Pennsylvania
Interstate 80 - Point of Access Study
Proposed Privately Funded Interchange

Jack Shannon
Rush Township Supervisors
PO Box 152
Philipsburg, PA 16866

Dear Mr. Shannon:

On April 4, 2007, representatives from the Department of Environmental Protection (DEP), the Pennsylvania Department of Transportation (PENNDOT), The US Army Corps of Engineers (USACE), and Federal Highway Administration (FHWA) met regarding the proposed, privately funded I-80 Interchange and associated proposed landfill in Centre County which Rush Township is sponsoring on behalf of Resource Recovery Inc.

The purpose of this meeting was to identify and discuss the respective regulatory roles and responsibilities for approval(s) and anticipated permitting actions relative to the specific proposal before each agency. This meeting was held, in part, to comply with the Council of Environmental Quality regulations implementing the National Environmental Policy Act (NEPA). These regulations, in part, require Federal agencies to collaborate in the environmental review of projects that require actions by several Federal agencies. To the extent practical, a single environmental review process will be followed to satisfy the requirements of all State and Federal agencies. Several issues of concern were discussed which should be taken into account as you pursue further development of this project.

The FHWA reviewed the conceptual point of access report and advised you via a letter to PennDOT on January 25, 2007 that the proposed interchange is not consistent with land use and transportation plans. On March 22, 2007, Mr. George Test, Esq.,

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your Solicitor, wrote to this office and took issue with FHWA's determination concerning land use and transportation plan consistency. In a separate letter dated April 17, 2007, (enclosed) we responded to this inquiry in detail.

Submittal of a conceptual point of access (POA) report is not required; however approval of a final POA report following NEPA approval is required. The Conceptual report is designed to provide an up front evaluation of new Interstate interchange proposals to determine whether the proposals meet certain requirements prior to conducting detailed environmental studies. The intent is to ensure that time and funding resources are not unnecessarily expended on proposals which cannot be approved.

No phase of the transportation proposal is currently included in either the Centre County Metropolitan Planning Organization (CCMPO) Long Range Plan (LRP) or in the Transportation Improvement Program (TIP). **Because this will be a regionally significant project that will eventually require a Federal Action pursuant to 23 Code of Federal Regulations (CFR) Part 450.324 (d) (e) (g), some phase must be included in either the TIP or LRP in order for FHWA to participate in the study.** Therefore, we recommend that you approach the CCMPO to include, at a minimum, the environmental study phase (pursuant to NEPA) of the proposal on an amended TIP. This study may allow the CCMPO to determine whether the proposal has sufficient merit to include future phases on the TIP and/or LRP.

Should the results of the environmental study phase be incorporated by the CCMPO into the LRP and/or TIP, FHWA may entertain any finding in a final approval pursuant to the National Environmental Policy Act (NEPA). Please note that ultimately, the FHWA cannot approve an environmental study until the project is fully funded on a financially constrained, air quality conforming LRP and/or TIP.

FHWA cannot mandate that the proposal demonstrate land use and transportation plan consistency prior to commencement of the environmental study, however we do advise that by proceeding with the study without first incorporating the proposed project into the transportation planning process as required by 23 CFR 450, there is a significant risk that final NEPA and POA approval will not be forthcoming and that time and financial resources could be lost. Each State and Federal agency may consider this when committing to participate in the study.

The regulatory agencies that participated in this meeting are concerned with proceeding with environmental studies and permitting actions on this project without a definitive project

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scope and an access plan. We understand that the PA DEP Phase I review cannot proceed until the issues surrounding the interchange are resolved. The USACE, which had, prior to this meeting, issued a public notice soliciting public comment on the proposal, will be issuing a letter to you in the near future requesting a definitive project scope. If the proposed project proceeds with an interchange as a key transportation component, the FHWA and PennDOT also need to have a definitive project scope with clearly defined purpose and need.

If and when you proceed with the environmental study, you should contact Karen Michaels, Assistant District Executive for Design in PennDOT District 2, at 814-765-0428, who will assist you in coordinating the process that will be followed.

Sincerely yours,

for David W. Cough
James A. Cheatham
Division Administrator

Enclosure

ec: D. Kerns, PennDOT BOD
B. Sexton, PA DEP
K. Kline, P.E., District Executive, PennDOT District 2-0
K. Michael, PennDOT District 2-0
J. Ritzman, PennDOT
S. Christie, P.E., PennDOT
V. Hobbs, USACE
T. Pluto, USACE

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2



U. S. DEPARTMENT
OF TRANSPORTATION

Pennsylvania Division

228 Walnut Street, Room 508
Harrisburg, PA 17101-1720

Federal Highway
Administration

April 17, 2007

In reply refer to:
HEV-PA.1

Centre County, Pennsylvania
Interstate 80 - Point of Access Study
Proposed Privately Funded Interchange

Jack Shannon
Rush Township Supervisors
PO Box 152
Philipsburg, PA 16866

Dear Mr. Shannon:

The Federal Highway Administration (FHWA) has reviewed the March 22, 2007 letter from your solicitor regarding the January 25, 2007 FHWA response to a request for a Conceptual Point of Access approval for the referenced project. The March letter focuses singularly on the FHWA position that Requirement #5 of the FHWA *Policy on Additional Interchanges to the Interstate System* was not reasonably demonstrated, and concludes that this requirement is satisfied by inclusion of the proposed interchange in the Township plan.

As stated in our January letter, the FHWA policy requires that the proposal must demonstrate consistency with *regional land use* and transportation plans. It is generally acknowledged that consistency with land use planning is an issue best determined by the State and local government(s). The role of a Metropolitan Planning Organization (MPO) has been identified and defined in regulations (23 Code of Federal Regulations (CFR) Part 450) specific to the *regional* consideration of proposed transportation projects, and regional and local land use. The FHWA does not have a specific approval role for local or regional land use plans. For transportation projects, the FHWA will accept a determination from the MPO and Commonwealth of Pennsylvania, through inclusion of proposed transportation projects on a regional Transportation Improvement Program (TIP) or Long Range Plan (LRP), and a determination of a proposed transportation projects consistency with local and regional land use planning.

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It is important to recognize that the regional transportation plan for the Centre County MPO is subject to review by the FHWA specifically for air quality conformity requirements. The transportation plan must be consistent with regional and local land use plans as evidenced by the inclusion of the project or phases of the project on the LRP or TIP and by reasonable updates to the overall transportation plan as identified in 23 CFR 450.322(e)(f). The regulatory authority for the FHWA role in review/approval of the regional/local transportation plan can be found in 23 CFR Parts 450.316 and 450.322.

Thank you for sharing your position regarding the proposed project and land use consistency.

Sincerely yours,

/s/ David W. Cough

James A. Cheatham
Division Administrator

cc: George S. Test, Esq., Solicitor, Rush Township
Kevin Kline, P.E., District Executive, PennDOT District 2-0
Jim Ritzman, PennDOT
Scott Christie, P.E., PennDOT

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Journal of Interpersonal Violence 28(10) 2067–2090
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Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: the control group (CG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG). The CG was divided into two subgroups: the control group (CG) and the control group (CG). The EG was divided into two subgroups: the experimental group (EG) and the experimental group (EG).



RUCKLE UP AMERICA

Mr. Tom Blum, Phil. 100-10000
John Peterson, Phil. 100-10000

Mr. Scott, Phil. 100-10000
Kevin, Phil. 100-10000
Mr. Kline, Phil. 100-10000

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DIRECTOR
ROBERT B. JACOBS

ASSISTANT DIRECTOR
CHRISTOPHER M. PRICE

TO: Centre County Planning Commission

FROM: Robert B. Jacobs, AICP, Planning Director

SUBJECT: Consistency Review with Local, Regional, and County Land Use and Transportation Plans for the Rush Township Point of Access Study

DATE: July 19, 2005

Background and Status

Rush Township, at the direction of the Federal Highway Administration (FHWA), is requesting Centre County to complete a consistency review for the proposed landfill/ industrial park/ interstate access interchange with local, regional and County plans. This request must be completed prior to the FHWA's acceptance of a Point of Access Study (POA), which is required when an application is made to construct an access interchange to the US Interstate system.

The specific access interchange request is from Interstate 80 in Rush Township, Centre County approximately 7 miles west of the existing Exit 147 (Snow Shoe) Interchange. Rush Township, in partnership with Resource Recovery LLC, is proposing a landfill and industrial park on land north of Interstate 80. Secondary access for the access interchange would be provided from Gorton Road, which is a Snow Shoe Township facility (T325), which begins in the Village of Moshannon at the intersection of State Routes 144 and 53 and follows in a southerly direction approximately four (4) miles to the Rush Township municipal boundary.

Gorton Road (through Snow Shoe Township) is the only means of public access to the area of Rush Township where the landfill is proposed. The section of Gorton Road that extends into Rush Township (Peale Road, T325) has not been maintained and has been proposed for abandonment by Rush Township. Currently, State Route 504 is the nearest public roadway in Rush Township to the proposed landfill and at its closest point is approximately four (4) miles south of Interstate 80.

The Centre County Planning Office received a letter from Rush Township on June 10, 2005 requesting a consistency review with the Centre County Comprehensive Plan. The following review will consider local, regional, and county land use planning in accordance with Federal Highway Administration requirements. The requirements in part state:

Policy – It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to providing such service. Therefore, new or revised access points to the existing Interstate System should meet the following requirements:

5. The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/ or statewide transportation plan, as appropriate, the applicable provisions of 23 CFR part 450 and the transportation conformity requirements of 40 CFR parts 51 and 93.

This review will also be in accordance with the Pennsylvania Municipalities Planning Code (PA MPC), Act 247, as amended; the Centre County Comprehensive Plan, the Centre County Comprehensive Plan Consistency and Compatibility Analysis, the Centre County Long Range Transportation Plan, the Snow Shoe Township Comprehensive Plan, and the Snow Shoe Township Zoning Ordinance. Although not part of this review, Clearfield County has an adopted Comprehensive Plan that should be considered in any future planning activities by Rush Township.

In May of 2004, Rush Township approved and signed a host agreement with Resource Recovery LLC for a proposed landfill on lands located north of Interstate 80. This property is also within and adjacent to Snow Shoe Township to the northeast and is adjacent to Clearfield County to the northwest (Moshannon Creek is the boundary between Centre County and Clearfield County). The 5,761.5 acre property, owned by CLOG of Lancaster PA, is located in the two (2) municipalities, Rush Township (2,691.7 acres) and Snow Shoe Township (3,069.8 acres).

Resource Recovery LLC approached Snow Shoe Township in April of 2004 with the landfill proposal. This proposal included a host agreement and a request to rezone the portion of CLOG property within the Township. Following municipal review and discussion by Snow Shoe Township, including a presentation by Resource Recovery LLC in June of 2005, Resource Recovery LLC (citing municipal and citizen opposition) withdrew the rezoning request. The Snow Shoe Township Supervisors subsequently denied the request at an advertised and regularly scheduled public meeting in July of 2004 as a way of procedurally closing out the public hearing/ review and comment process.

With the Rush Township host agreement still in effect, Resource Recovery LLC modified its proposal in September 2004 and limited the proposed landfill activity to the portion of CLOG property in Rush Township.

Rush Township, on behalf of Resource Recovery LLC, submitted a Point of Access Study (POA) for an access interchange to the proposed landfill from Interstate 80 in September 2004 to the PennDOT Central Office in Harrisburg. This study is currently under review by PennDOT and Federal Highway Administration. Based on the POA submittal and the Federal regulations cited above, the Centre County Planning Office and the Centre County Metropolitan Planning Organization (staffed by members of the Centre Regional Planning Agency and the Centre County Planning Office) are responsible for developing this review. Prior to submittal of this review to the Federal Highway Administration, comment and approval will be required by the Centre County Commissioners, Centre County Planning Commission, and the Centre County Metropolitan Planning Organization as outlined in the June 14, 2004 Briefing Paper (see attachment).

Local, Regional, and County Planning

Adopted comprehensive plans and land use controls (such as zoning and subdivision/land development ordinances) vary across the 36 municipalities in Centre County. For planning purposes, Centre County is divided into seven (7) regional planning areas. These planning regions coincide with geographic and socioeconomic factors, municipal boundaries, and to the degree possible, school district boundaries. There are two (2) planning regions specific to this proposal, Moshannon Valley and Mountaintop.

Rush Township

Rush Township along with Philipsburg Borough and South Philipsburg Borough are located within the Moshannon Valley Planning Region. Currently, Rush Township has no adopted comprehensive plan nor do they have an adopted zoning ordinance (although Rush Township has indicated in their June 10, 2005 correspondence that they are in the process of preparing a comprehensive plan).

Of the three (3) municipalities in the Moshannon Valley Planning Region, Philipsburg Borough is the only municipality with a comprehensive plan and zoning ordinance. The Centre County Planning Office provides subdivision / land development review services to all three (3) of the Moshannon Valley municipalities.

In addition to Rush Township not having any adopted land uses controls such as zoning, they further abdicated any local land use rights now and into the future within the area of the proposed landfill (all Rush Township land north of Interstate 80). Contained within the signed host agreement between Rush Township and Resource Recovery LLC is a clause entitled *Obligations of the Township*, which in part states:

"Township agrees that in consideration of this agreement and payment received under the Agreement, Township will not interfere with or oppose the permitting, re-permitting, or permit modifications (to the extent that such permit modifications are not inconsistent with this Agreement) of the Landfill, or pass any ordinances or regulations regulating or interfering with the operation of the Landfill".

Unlike zoning where the local municipality has all of the authority to amend zoning ordinances under the PA MPC, Rush Township is tied to its host agreement and thus limited to any modifications or future land use controls at the proposed site, unless Resource Recovery LLC agrees.

Snow Shoe Township

The Mountaintop Planning Region is also comprised of three (3) municipalities, Snow Shoe Township, Snow Shoe Borough, and Burnside Township. Snow Shoe Township and Snow Shoe Borough both have adopted comprehensive plans and zoning ordinances. Burnside Township does not have either.

Snow Shoe Township adopted their comprehensive plan in 1991 which provided goals, objectives, and an inventory of existing conditions which was then followed by a set of recommendations for future land use. These components became the foundation for the zoning ordinance, adopted in 1998. The zoning districts of that ordinance are based on the recommendations from that adopted comprehensive plan.

More specifically related to the landfill proposal, Snow Shoe Township included this area within the Forest/ Open Space Zoning District. This purpose of the district is as follows:

"This district recognizes the value of conserving land as a natural resource, and the problems which can be created as a result of over-utilization or development of certain areas with unusual or fragile characteristics. Certain lands within the Township have unique characteristics with regard to matters such as potential soil erosion and water supply contamination. Other lands within the Township present the possibility of preserving the aesthetic values and rural character of the Township, preserving wild areas, wetlands, forests, and other natural environments beneficial to wildlife. Within this district, development is either largely uneconomical due to the condition of the land, or undesirable due to the fragile nature of the area, or the need to preserve areas in a natural state"

During the initial stage of the landfill proposal by Resource Recovery LLC, a rezoning request from the Forest/ Open Space District to Industrial (or a similar "by right" zoning district) was submitted to Snow Shoe Township. As stated earlier in this review, the request was withdrawn by Resource Recovery LLC.

Regional Planning

In regards to multi-municipal planning efforts made possible through amendments to the PA MPC, neither planning region, Moshannon Valley and Mountaintop have entered into multi-municipal regional comprehensive plans or zoning ordinances.

County Planning

In 2003, Centre County adopted the Centre County Comprehensive Plan, Phase I. This plan includes background studies and inventories of existing conditions along with the goals, objectives, and recommendations that serve as the foundation for Phase II, Growth Management and Community Development Strategies (currently in development). As with any comprehensive plan, the guidance provided for the development of the County plan came from the PA MPC.

Pennsylvania Municipalities Planning Code, Act 247 Guidance

The PA MPC details the rights and responsibilities of municipalities and counties regarding the preparation, adoption, implementation, and interpretation of planning and land use ordinances, regulations, policies, and procedures. Of particular note to this consistency review is the MPC's *Article III – Comprehensive Plan*. The following review identifies relevant MPC requirements that assist in the determination of consistency.

One of the key elements of this consistency review involves the responsibilities of adjacent municipalities and the County regarding land use planning near municipal boundaries. Section 301.(a)(5) notes that municipal and county comprehensive plans shall include

“a statement indicating that the existing and proposed development of the municipality is consistent with the existing and proposed development and plans in contiguous portions of neighboring municipalities or a statement indicating measures which have been taken to provide buffers or other transitional devices between disparate uses”.

In addition, the same section notes that municipal plans shall provide:

“a statement indicating that the existing and proposed development of the municipality is generally consistent with the objectives and plans of the county comprehensive plan”.

Further, Section 301.4 notes that:

“municipal comprehensive plans which are adopted shall be generally consistent with the adopted county comprehensive plan”.

Finally, Section 306(1) notes that

“when a municipality having a comprehensive plan is located in a county which has adopted a comprehensive plan, both the county and the municipality shall each give the plan of the other consideration in order that the objectives of each plan can be protected to the greatest extent possible.”

Centre County Consistency and Compatibility Analysis

The following analysis outlines the planning activities that were performed by the County Planning Office pursuant to the MPC sections identified above that are directly related to this consistency review. During the preparation of the County's Comprehensive Plan, the Planning Office prepared the *Centre County Comprehensive Plan Consistency and Compatibility Analysis, March 22, 2001* and its purpose was to identify:

- 1) municipal comprehensive plan consistency with the county comprehensive plan,
- 2) inconsistencies between municipal comprehensive plans, municipal zoning ordinances, and the Centre County existing land use map, and
- 3) existing and future development incompatibilities in contiguous portions of neighboring municipalities.

This document has provided guidance to development of the County Comprehensive Plan and various municipal and regional comprehensive plans developed throughout the County. This document identified no inconsistencies or incompatibilities between existing and future development between Rush and neighboring Snow Shoe Township.

As stated earlier in this review, only Snow Shoe Township has land use controls. Snow Shoe Township has both an adopted Comprehensive Plan and an adopted zoning ordinance. Pursuant to the MPC, the Planning Office must consider Snow Shoe Townships adopted Comprehensive Plan when making this consistency determination. As previously noted, the Snow Shoe Township Comprehensive Plan and zoning ordinance designates the area as Forest/Open Space. This matches the existing land use designations in the adjacent area located in Rush Township.

Developments of Regional Significance

The MPC also notes that special planning review and consideration should be given to large-scale developments that may have impacts on municipalities outside of the jurisdiction within which the proposed development is to be located. To ensure that developments of regional significance and impact are adequately planned for, Section 301(a)(7)(ii) of the MPC requires that County Comprehensive Plans:

"identify current and proposed land uses which have a regional impact and significance, such as large shopping centers, major industrial parks, mines and related activities, office parks, storage facilities, large residential developments, regional entertainment and recreation complexes, hospitals, airports, and port facilities".

The proposed landfill and industrial park clearly falls within this category, particularly given its proximity to Snow Shoe Township, and as such deserves additional planning review to ensure that adequate protections are in place for all impacted municipalities.

The MPC provides the tools to plan for such activities and, in fact, encourages land use planning and infrastructure planning activities be coordinated to maximize resources and minimize development impacts. Section 301.7.d. notes that

“the municipal, multi-municipal or county comprehensive plan may identify where growth and development will occur so that a full range of public infrastructure services, including sewer, water, highways, police and fire protection, public schools, parks, open space and other services can be adequately planned and provided as needed to accommodate growth.”

Consistency with the Centre County Comprehensive Plan

The Centre County Comprehensive Plan, Phase I, provides specific goals, objectives and recommendations that provide guidance for coordinated growth management throughout the County. The following analysis provides an overview of specific findings in the plan that relate to the proposed land use in Rush Township.

Through this review, there are elements of the Centre County Comprehensive Plan goals, objectives, and recommendations that appear to be consistent with the proposed land use and access interchange. For example, the Forest Chapter notes that illegal dumping is an environmental threat and states that:

“garbage that should have been recycled or dumped in a landfill poses many threats to our public and private lands.”

In addition, the Groundwater Section recommends the encouragement of:

“proper handling and disposal of all wastes to prevent groundwater pollution”.

It should be noted that existing locations in Rush Township and neighboring municipalities have been the target of environmental programs for remediation. The siting of a landfill may ameliorate some existing and potential problems associated with illegal dumping and the associated environmental impacts.

The Community Facilities and Services: Energy and Communications Section also provides some guidance to this consistency review. One recommendation encourages:

“public awareness and citizen participation regarding the placement of utility lines or energy production sites”.

In so much as the proposed land use potentially includes an energy production facility or facilities, this consistency review may help to raise public awareness and increase citizen participation regarding the siting and operation of such a facility. In addition, the Comprehensive Plan recommends support for:

“policies to identify and implement alternative fuels as a viable energy alternative”

(although the plan does encourage such planning to occur on a regional basis).

The primary purpose of this review is to examine the proposal in its entirety, including the development of an interstate access interchange to accommodate the considerable traffic to be generated by the proposed use. It should also be noted that the Economic Development Chapter identifies capital facilities planning as a chief component of sound land use / economic development planning and states that:

“access to high-quality comprehensive transportation networks is one component to business location decisions”.

The Plan further notes that the identification of available sites located near such networks, served by supporting infrastructure (e.g. water and sewer service), and situated away from conflicting land uses is an important function of local economic development activities. While the present proposal may maximize the region's transportation infrastructure, it does not meet the other key element of that statement; i.e. the location of such development away from conflicting land uses, which is at the center of the present discussion. The proposed landfill/ industrial park/ interstate access interchange is not a compatible land use given the nature and scale of the development adjacent to Snow Shoe Township. Most importantly, the secondary impacts from the proposed use will create traffic impacts due the fact that all local access to the site is from Snow Shoe Township through the Village of Moshannon.

Further, the proposed use appears to be inconsistent with several elements of the County Comprehensive Plan. To assist in the review and consideration, some of the relevant plan goals, objectives, and recommendations are outlined below and are arranged by three broad themes: growth management, environmental protection, and community and economic development taken primarily from the Natural Resources, Community Facilities and Services, and Economic Development Chapters.

Growth Management

Forest Objectives:

- Protect watershed features such as surface and underground water supplies, stream, floodplains, forested riparian areas, wetlands, fish and wildlife habitats, and aquifer recharge areas
- Use identified natural resource areas and public open spaces to provide guidance with land development activities
- Develop strategies that provide for growth while maintaining a balance with the County's natural resources: forest lands, agricultural lands, sensitive environmental areas, steep slopes, floodplains, scenic views, and high quality surface and ground waters.

Forest Recommendations:

- Protect forested land in Centre County from development pressures and degradation by guiding land development activities in forested areas.

- Encourage through incentives the protection, preservation, and management of forest resources for their economic and environmental benefits.
- Support protection and wise land use management of mountain ridges to protect sensitive features, i.e., groundwater recharge areas, wildlife habitats, and scenic vistas.

Sewer Service/ Systems Objectives

- Encourage the efficient use of utilities and services such as water, sewer, electric, gas, and telecommunications in existing and planned growth areas.

Sewer Service/ Systems Recommendation

- In cooperation with the municipalities and respective planning regions, identify future growth areas consistent with County and local plans, land use regulations, and with the efficient use of existing and proposed sewer service areas.

Transportation Goal

- To provide a multi-modal transportation system, which includes air, bicycle, highway, pedestrian, public transportation, and rail facilities to maximize the efficient, safe, economical and convenient movement of people and goods while minimizing the adverse impact the system will have on natural and cultural resources, as well as people.

These goals, objectives, and recommendations set the stage for Phase II of the County Comprehensive Plan, Growth Management and Community Development Strategies. The Planning Office began the Phase II process this May by introducing a growth boundary depicting appropriate areas for future growth and development based on existing and planned infrastructure. In the coming months, the Planning Commission will have the opportunity to review and comment on detailed information for Phase II of the County Plan as developed by the Planning staff.

Environmental Protection

Natural Resources Goal:

- Identify, preserve, and monitor Centre County's environmental natural resources for the benefit of present and future generations.

Forest Objectives:

- Promote the wise use and management of the County's natural resources that include prime agricultural lands, forested areas, and mineral resources.

Flood Plains and Wetlands Recommendations:

- Protect wetlands within Centre County from alteration and degradation by guiding land development activities to upland areas.

- Promote vegetative buffers around inland wetlands especially Exceptional Value wetlands.
- Protect the hydrology of wetland areas.

The environmental protection section of the Plan provides these guidelines and suggests further investigation for proposed development activities. This section also complements the Snow Shoe Township Comprehensive Plan and the adopted zoning ordinance that implements the recommendations of both plans.

Community and Economic Development

Energy and Communications Recommendations:

- Promote public awareness and citizen participation regarding the placement of utility lines or energy production sites.

Surface Water Objectives:

- Promote and preserve the County's natural areas for scenic, educational, historic, environmental, recreational, and tourism purposes

Surface Water Recommendations:

- Make the protection of water resources a priority through regulations for any major land development activity including highway development.
- Integrate local land use planning and watershed planning
- Support the conservation of forested mountain slopes

Economic Development Recommendations:

- Understanding that growth in one sector of the economy impacts other sectors (positively and negatively), potential secondary economic impacts should be identified when making economic development policy decisions.
- The County's historic and cultural resources should be inventoried and promoted as part of a coordinated economic development/tourism strategy.
- Unique cultural and historic resources should be cataloged and promoted as part of a comprehensive County economic development strategy
- Municipalities should identify locally important resources for inclusion in such a plan and should identify related retail opportunities.

- Land use regulations should recognize the relationships between tourism activities and retail opportunities and promote such opportunities (e.g. bed and breakfasts, historic preservation districts, etc.) consistent with sound planning practices.
- The County's recreational amenities should be inventoried with related retail opportunities identified.
- Linkages between recreational opportunities (e.g. trail interconnections, greenways) should be identified and promoted.

The text of the Plan also provides some additional guidance regarding the importance of our forested areas for economic development. For example, the Lumber Heritage Region of which the County is a member, seeks to link forests, parks, historic resources, and communities to allow residents and visitors to explore our vibrant culture and contribute to a vital economy. Other programs (e.g. Pennsylvania Wilds Program) seek to maximize the region's rural character for tourism and economic development purposes.

The Economic Development Chapter recommends continued pursuit of Heritage Tourism opportunities to identify, catalog, and market the unique historic, cultural, and recreational opportunities of the County and its municipalities. In addition, the Plan recognizes the growing trend in nature tourism and the many economic opportunities afforded to our municipalities through outdoor activities including hunting, fishing, camping, hiking, etc. Such activities are a key component of the County's economic development plan and are a vital component to the Mountaintop Region's economy and quality of life.

The development of a landfill/ industrial park/ interstate access interchange in this location would likely have a negative impact on this region's ability to market itself to outdoor tourism. The proposal also includes the reactivation of a rail line that would cut-off an existing rail-trail project designed to provide connectivity to this region for outdoor enthusiasts.

The effects of deterioration to the Mountaintop Region's economy would be particularly severe. In fact, the majority of the Region's growth during the 1990's was due to growth in seasonal housing development. While the applicant has proposed both a landfill and industrial park, which would add to the region's employment opportunities, public disclosure of the number of employees proposed at the site vary. A total of 35 employees were cited in a recent permit application filed by Resource Recovery LLC to the PA Department of Environmental Protection. In a recent public advertising campaign in local newspapers, again by Resource Recovery LLC, a total of 750 employees was cited. This inconsistency alone makes it difficult to evaluate the economic impacts relative to economic and quality of life costs.

In Rush Township, the Mid-State Airport facility located near the Black Moshannon State Park has been identified as an important component of the regional economy. Given its importance, the Planning Office recommends that the Mid-State Airport Authority investigate any potential impacts to their long range development plans.

RECOMMENDATIONS

The Centre County Planning Commission has an obligation under the MPC to ensure compatibility in land use planning between adjacent municipalities. With Snow Shoe Township's existing planning and land use controls, in addition to the numerous inconsistencies with the goals, objectives, and recommendations of the Centre County Comprehensive Plan, the Planning Office recommends that the Planning Commission find the proposed landfill/ industrial park/ interstate access interchange proposal inconsistent with the Plan.

Land use and transportation are inextricably linked, and it cannot be more apparent than with this proposal. Regardless of the final determinations of this review, a second set of recommendations will be prepared by the MPO staff for review by the MPO Coordinating Committee. These recommendations will focus on local and regional traffic/ transportation system impacts. However, the Planning Office maintains a deep concern about the ability of the applicant to mitigate traffic impacts in Snow Shoe Township.

This recommendation should not be interpreted that the Centre County Planning Office prefers the use of the local road network as has been asserted by Rush Township and Resource Recovery. The present issue placed before the Planning Commission by Rush Township at the direction of the Federal Highways Administration is a matter of Comprehensive Plan review for land use consistency, not approval/ disapproval on the proposed access interchange. If the proposed land use were to be forwarded to the permit application review process and approved at the State and Federal levels, the Planning Office recommends that the only acceptable access would be from Interstate 80.

In addition to a request for consistency review with the existing County Comprehensive Plan, Rush Township has also requested that the Plan be amended to include the proposed development. As has been previously noted, Rush Township is in the process of preparing a municipal Comprehensive Plan. It should be stated that given the considerable impacts likely to be experienced by Snow Shoe Township, it may be difficult for Rush Township to demonstrate an ability to mitigate potential impacts through the development of a municipal Comprehensive Plan alone.

Therefore, if Snow Shoe Township elects to maintain their existing land use controls as they exist today and the Centre County Planning Commission elects to ensure consistency of the landfill proposal with the County Comprehensive Plan, the Planning Office recommends the following steps that could be taken by Rush Township and Resource Recovery to plan for and mitigate potential negative impacts:

- Rush Township – prepare and adopt a Comprehensive Plan (consistent with the County Comprehensive Plan) that plans for appropriate infrastructure to serve the intended use and provides adequate transitional devices, as required by the MPC, to protect the residents of Snow Shoe Township.
- Rush Township – prepare and adopt local land use controls (e.g. zoning ordinance) to implement the adopted Comprehensive Plan.
- Rush Township – advance the proposed interchange as a locally sponsored and privately funded project through the MPO's Long Range Transportation Plan process. This process ensures that both the Technical Advisory Committee and the Coordinating Committee can review all potential area-wide impacts (including impacts to the existing interstate system) and make an appropriate determination that identifies and mitigates potential impacts
- Resource Recovery – execute a host municipality agreement with Snow Shoe Township and/or Centre County identifying potential impacts and detailing a plan to mitigate those impacts. This host agreement will also be recorded with any subsequent subdivision and/or land development plans.

The preparation of these comprehensive and coordinated land use controls and agreements involving both Rush Township and Resource Recovery with input from Snow Shoe Township and Centre County (as required by the MPC) appear necessary to provide the protections that an individual municipality alone cannot. For example, Rush Township has previously attempted to identify and mitigate some of the potential impacts associated with this development proposal; including the development of an interstate access interchange to minimize traffic impacts on Snow Shoe Township.

In fact, one of the conditions identified in the host agreement between Rush Township and Resource Recovery is the construction of an access interchange from Interstate-80. Further, the initial Point of Access Study submitted by Rush Township to PennDOT bolstered Rush Township's assertion that significant negative traffic impacts could be experienced by neighboring Snow Shoe Township if the local road system were to be utilized. The POA study clearly demonstrates an understanding by both Rush Township and Resource Recovery that the local road network is incapable of handling the anticipated traffic and was not planned, intended, or designed to accommodate the anticipated traffic or the required improvements (e.g. condemnations).

Recently however, Rush Township and Resource Recovery have expressed an interest in amending the host agreement to allow for the use of the local road network to serve the proposed development, to the detriment of Snow Shoe Township. In addition, they have requested PennDOT to evaluate a potential Highway Occupancy Permit (HOP) for access to the proposed landfill from the existing State Route system in Snow Shoe Township. This is counter to the current agreements in place and cause for concern in regards to Snow Shoe Township.

The adoption of local land use controls by Rush Township to implement the Comprehensive Plan should serve to provide for some of the transitional devices required by the MPC. The execution of a host agreement with Snow Show Township and/or Centre County to be recorded with all subsequent plans will serve to ensure that said protections are maintained.

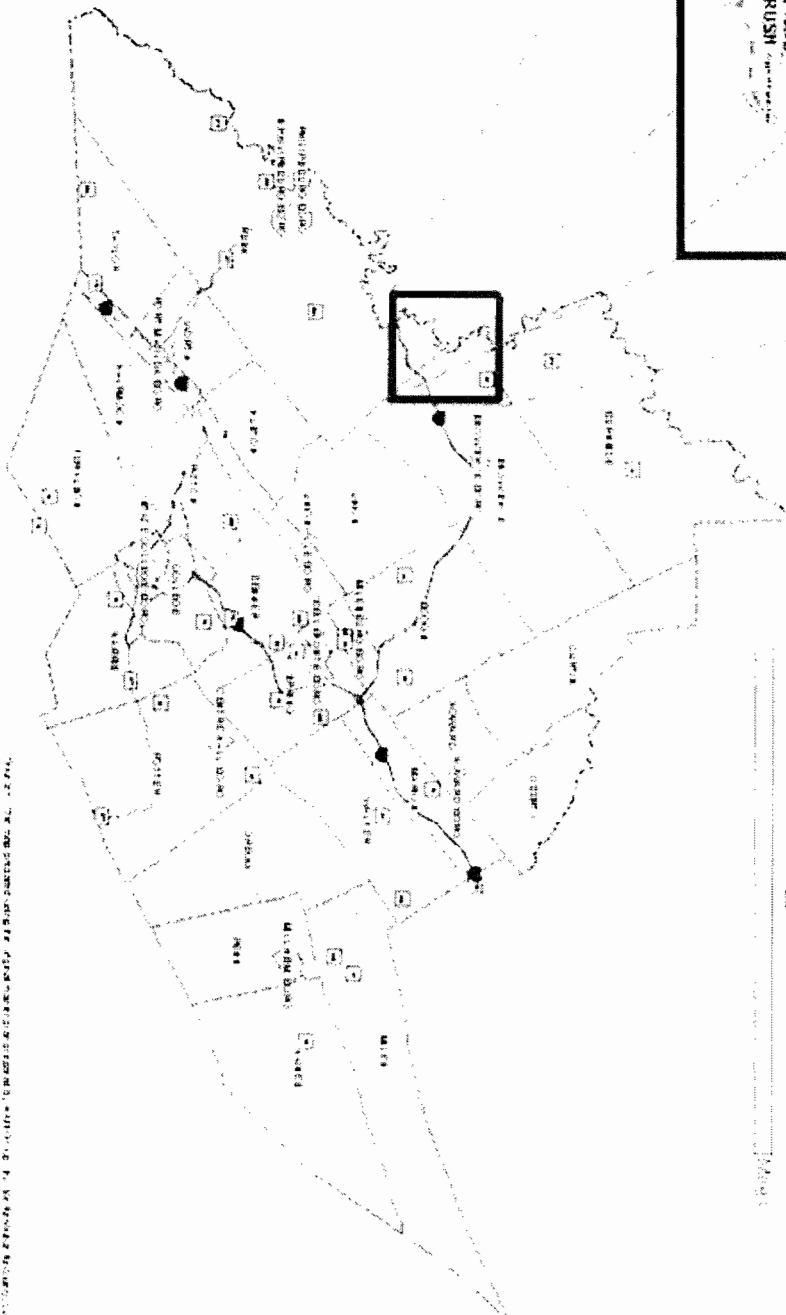
Ultimately, it will be the determination of the Centre County Planning Commission and Board of Commissioners to decide consistency of this proposal with the Comprehensive Plan now and in the future.

map enclosures

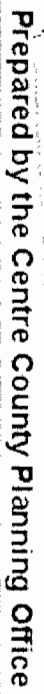
pc: Centre County Board of Commissioners
Timothy T. Boyde, Centre County Director of Administrative Services
Christopher M. Price, AICP, Assistant Planning Director
Robert A. Crum, Director, Centre Regional Planning Agency
Thomas P. Zilla, AICP, Centre County MPO Transportation Planner
Mike Bloom, Centre County MPO Transportation Planner

rbj/ cmp

A map of the Rush Creek area in the Sierra Nevada. The map shows a winding trail or road, with labels for 'RUSH CREEK' and 'SNOW SHOE'. A small square symbol marks a specific location. The map is oriented with North at the top.

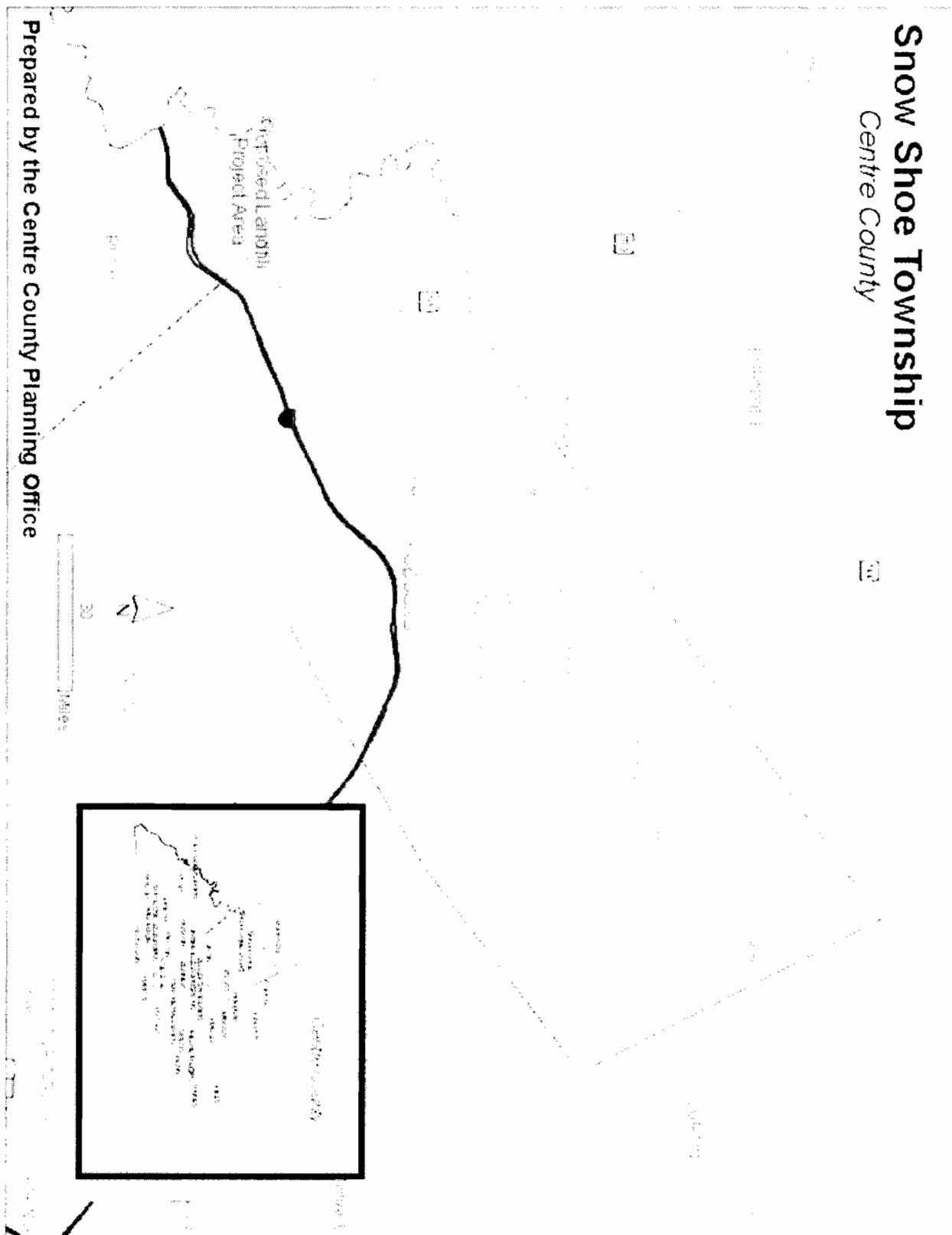
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Centre County

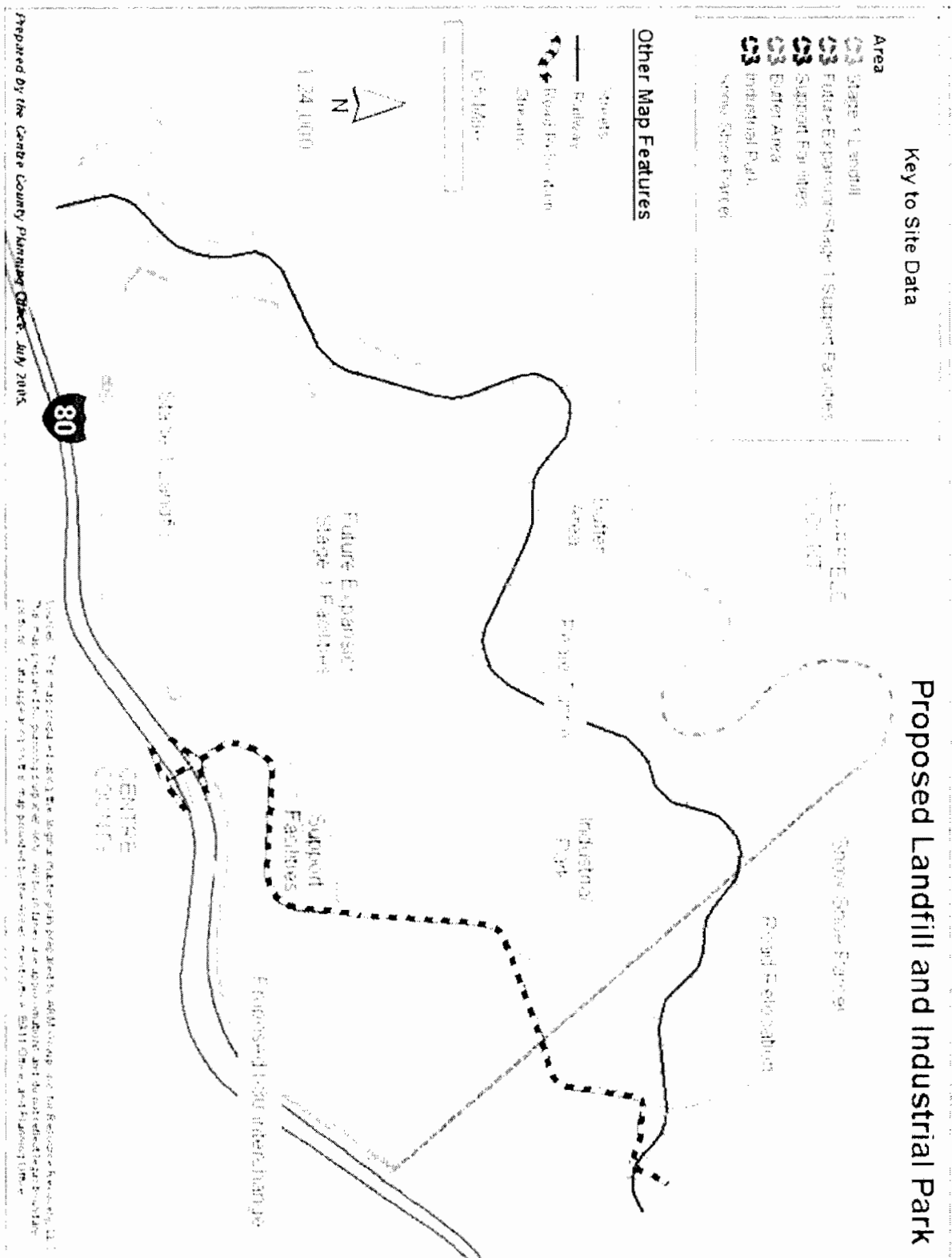


Snow Shoe Township

Centre County



Prepared by the Centre County Planning Office





Proposed Landfill and Industrial Park

National Wetlands Inventory and Natural Heritage Inventory

Total Wetland Acres: 5.48
Rush Township: 0.62 Acres
Snow Shoe Township: 4.86 Acres

Total Natural Acres: 1836.5
Rush Township: 334.39 Acres
Snow Shoe Township: 1502.16 Acres

Legend

-  National Wetland Inventory
-  Natural Heritage Inventory



1

Miles

Sources: National Wetland Inventory, United States Fish and Wildlife Service.
Natural Heritage Inventory, 2002.

Prepared by the Centre County Planning Office